



Town of Underhill
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SELECTBOARD MEETING MINUTES
Monday, December 21, 2021, 6:00 P.M.
Underhill Town Hall

Present:

Selectboard Members: Dan Steinbauer, Bob Stone, Patty Richards

Town Staff: Brad Holden, Sherri Morin (remote), Jennifer Silpe-Katz (remote), Nate Sullivan

Committee Members: Kurt Johnson, Seth Friedman

Public: Peter Duval (remote), Pam Griffin-Tierney (remote), Amanda Bosley (remote), Christian Matthews (remote), Francine Mellott (remote), MMCTV

Note: All votes taken are unanimous unless otherwise noted.

1. *Call Meeting to Order / Adjustments to Agenda*

Dan called the meeting to order at 6:00. No changes to the agenda were suggested.

2. *Public Comment Period*

Seth Friedman talked about things he would like the board to consider before deciding on a mask policy. He also distributed supporting documents. He asks the board to continue to trust residents to make decisions rather than creating rules.

3. *Town Administrator Updates (6:07)*

Brad said he had the site visit with FEMA and Vermont Emergency Management. They visited the 12 Dumas Road site and also the site of a previous buyout on Cilley Hill Road. We are still waiting for the results of the archeological study from UVM, which should come any day, and then the next steps will take place for the 12 Dumas Road buyout.

The sidewalk project is closed up for the year. There was a change order in our favor. Some line striping costs were reduced. We filed for reimbursement of pretty much the entire amount of the first grant. We will be getting reimbursement for about 40% of the second grant. We will close out the grant once the punch list is completed in the spring.

Brad and staff have been working on the town report. Brad signed a contract with Repro Graphics.

4. *Tomasi Meadow – Temporary Parking (6:09)*

Brad said Anton reached out to the closest neighbors and they are fine with the plans for temporary parking. We didn't contact the neighbor across the road because they are about 700 feet up the road and can't even see the area. There will be an appeal period and they will be notified and have a chance to comment. Since Tomasi Meadow was merged with Casey's Hill technically there is supposed to be one access. We need a motion to allow a second temporary curb cut for vehicular access. A temporary curb cut is only good for 3 months so he suggests a time limit ending April 15, with the caveat that access will be controlled by the town according to use and weather.

Bob moved and Patty seconded to authorize a temporary curb cut for Tomasi Meadow, to be managed by the town administrator and to expire on April 15, 2022. Bob said he feels Brad is capable of deciding if the parking lot needs to be temporarily closed if it is too soft. Brad said he will also pursue parking at Underhill Central School and see if we can secure a route over private property from there. Dan

said the temporary winter parking lot is not just for skiers but also for overflow from the sledding hill. Hopefully others won't be using this lot given the other options we are providing at the school and the old school house. The Rec Committee will be working on signage for that.

Brad said the appeal period for this decision may be 15 days rather than the 30 days he had previously stated. He will find out.

Peter Duval said board is familiar with his concerns that this is just convenience parking. Parking studies he has read all conclude that there is ample parking; it is just that people want to park closer to their activity. There is ample parking in Underhill Center. There is no evidence given by the applicant that there is a need for this. As far as he knows there hasn't been towing or parking citations on Mountain Road. There was a time when there was no parking lot at Casey's Hill, just parking on the road, and there was never a problem. Given that Anton feels it is too long a trip to ski from the Central School parking lot to the western edge of the Tomasi Meadow ski area, he has a hard time seeing people who are going sledding at Casey's Hill choosing to use the temporary lot and walking to Casey's Hill when it is so convenient just to park on the road. Maybe the town should take a look at its parking regulations. His recommendation is to have parking on the road for Casey's Hill and to tell people to park at the Central School for skiing at Tomasi Meadow.

The motion was passed.

Bob moved to authorize a secondary access point at Tomasi Meadow to accommodate temporary winter parking, with the town administrator managing when that access can and cannot be used due to conditions in the field and with the temporary access expiring April 15, 2022, Patty seconded and the motion was passed.

5. *Town Mask Mandate Discussion (6:23)*

Pam Griffin-Tierney said she would like the selectboard to consider a mask mandate for the Town of Underhill. We know the numbers are rising. We know masking, social distancing, vaccines and boosters prevent transmission. She thinks the selectboard has the responsibility to protect the community. It's a public health issue. She thinks we need to join forces with surrounding towns – Essex, Essex Junction and Williston – that have passed mask mandates. Nobody really likes to wear a mask. She doesn't see a lot of people taking personal responsibility. She thinks we need this. She thinks it sends a strong message to the community that we care about you and want to protect you and want to keep the community safe.

Dan said he looked into the mandate situation in Burlington. They have an ordinance to back up their mandate. They have fines. If we have a mandate there is no way we can enforce it. We don't have a schedule of fines. However, he is not opposed to a mask advisory. That is the direction he would be interested in going in. It sends a message that we care. He supports what Seth said about continuing to trust in the maturity of Underhill residents. He sees many people masking in public places.

Patty said she has been wearing a mask more often in public spaces given the increase in numbers. Rather than make it mandatory for our town, an advisory would be a good step. She wouldn't rule out the selectboard not taking action. She wants to keep track of the numbers and take action where appropriate. Several towns that passed mask mandates have many people coming in from out of town or out of state for shopping and entertainment. We have such limited commercial use here that she thinks an advisory is a good step and would support that.

Dan said we have talked to town hall staff about putting a sign on the door saying we expect people to mask in the building. When he has been here, people have come in with masks. Past practice was that town hall

staff made sure to put on masks when people from outside came in. Some towns have designated when masks are appropriate but he trusts employees to make a judgment based on where they are working.

Brad said there were probably fewer than 10 visitors to town hall today. Every single one had a mask on. He hasn't witnessed a lot of non mask wearing in public places in Underhill.

Pam said she was in both Underhill post offices last week and neither employees nor some customers had masks on. Brad said he is not sure if we can mandate federal employees wearing masks. Pam said she thought a federal mandate was already in place. She can understand that maybe something advisory is more appropriate for Underhill but she thinks an expectation needs to be set so maybe some businesses would reevaluate their current practices.

Bob said he thinks we ought to hold a public hearing on the topic before we go further. He would want to hear from more people in town about what their thoughts are.

Dan moved and Patty seconded that the selectboard issue a 30-day advisory for mask wearing in Underhill.

Bob asked how we will get the public to know there is an advisory. Dan said the same way we get the public to know everything else from our meetings.

Peter Duval said he has been disappointed that the selectboard hasn't used all of the tools at its disposal to reduce transmission of corona virus. He would like to know how members of the selectboard feel about masks, why someone would want to wear a mask and why the town would want people to wear masks.

Bob said he thinks it is important to lead by example. He does feel wearing a mask is important when residents are out and about and among people who may or may not be vaccinated. He wears a mask and he encourages family members to do so. He is pleased to see that everyone here is wearing a mask tonight. We are doing what we can to demonstrate positive behavior. He doesn't know that we necessarily need a law or rule. He thinks residents do a decent job of using common sense to keep themselves and other community members safe.

Dan said he thinks it goes way beyond a mask. A mask is a tool. We could have the same discussion about vaccinations and trusting the science. He pays attention to who he is with and how close to them he is. He thinks about how his family can minimize the number of people present during the holiday and how they prepare for the event. He wants to convey a message about the whole package, not just masks. To protect ourselves and others we all need to do our part.

Patty said she agrees with Bob and Dan. Masking is one part of things we are all doing. The key is to pay attention and use common sense. If the numbers increase we should take more steps. She doesn't see a mandate as necessary but she wouldn't rule out a mandate based on what the numbers do statewide. She thinks something that applies to the whole state would make more sense. She thinks an advisory is a good step.

Brad asked if board members think implementing a mask mandate would convert people who didn't wear masks before to wearing masks. He doesn't think it would. Dan agreed. He thinks we can invite more discussion by establishing a 30-day mask advisory and adding our credibility to the cause.

Peter said he hears people talking about masks to protect ourselves even though the effect on transmission is greatest when the person who is infected is wearing the mask. Rules in society are for people who can't

figure out for themselves that it is a good idea to pay taxes, drive at a reasonable speed or wear a mask to protect others.

Patty said to get notice out about the advisory she would suggest using Front Porch Forum. Dan agreed it would be good to formulate a statement Brad could put on Front Porch Forum. Brad said we can also post it in the usual posting places and put it on the town website.

The motion was passed.

6. *Proposed FY23 Budget – Version 5 (6:50)*

Jennifer said this budget includes \$537,500 in infrastructure projects – paving and also a culvert project. The proposal is to obtain a short term loan so we can complete all the proposed projects in FY23. Kurt Johnson said we are behind when it comes to asphalt roads. The intent this year is try to catch up by doing 2 years worth of paving. We would take out a 1-year loan so we would pay for half the work next year. We will pay interest but because of the current interest and inflation rates we probably will make money by locking in a price sooner rather than paying later.

Dan asked about the selection of roads for paving. Kurt said they are roads that are in bad shape, with a lot of cracking. Dan asked what happens when a road is cracked. Nate said we can crack seal cracks that are half an inch wide or smaller. The crack seal material prevents water from going in. When water gets between layers of pavement it freezes and causes heaves and potholes. The more cracks you have, the more damage you will have. Brad said crack sealing companies will tell you that if you seal a lot of cracks the pavement will be too slippery. Dan asked if it costs more to pave if the pavement is seriously cracked or has started to heave or has potholes. Nate said if it is really bad the contractor would have to grind it, which is more expensive. We are trying to keep ahead of paving before we have to grind.

Dan asked, doesn't doing all this work at once mean the roads will all be on the same schedule and we will have to pave them again in the same year? Nate said pavement on side roads will probably last 7 to 10 years and pavement on main roads will probably last 5 to 7 years. Dan asked, so there is not a firm schedule for when roads need to be paved again? Nate agreed that is correct.

Dan asked if all the paving would be done by a single bidder Kurt said yes.

Bob said he would like to see the work on Park Street finished by no later than mid August so it will not hinder school buses or parents taking kids to school. He would like that incorporated into our plan, with penalties assessed if the work is not done by August 15. Nate said he thinks the only thing left on Park Street is a cut for a water line. We will push to get that done several months before the other work is done. Dan asked how early the water line can be put in. Nate said it can happen in early spring.

Brad said we may be in a deficit situation at the end of this fiscal year. Jennifer agreed that we did have some unexpected overages. We are also anticipating a surplus in some area that can be used to offset additional expenses. She believes there is virtually no downside to taking out a \$250K short term loan. Interest rates are low. It would enable us to get economies of scale by doing more work at once. We have gotten behind and our roads are in bad shape. The number one complaint we hear is road issues. Our biggest asset is our roadway.

Jennifer and Nate reviewed what is budgeted for pavement repair and retreatment. Nate said there is an increase for crack sealing because crack sealing was pulled out of last year's budget since most of the areas with the most cracking were getting paved over or had cracks too big to seal. For next year he put the

previous figure of \$25K back in the budget. That gets us 6 days of crack sealing. We are also budgeting for joint repairs on bridges. Several bridges have failing expansion joints.

Board members agreed that it makes sense to show the full cost of all projected infrastructure projects in the budget for now. Jennifer said once we know the surplus number from this year and the grand list we will have another round of budget discussion. The budget needs to be approved in January so we can have the town report printed in time for town meeting.

Patty asked, if we move forward with 6 paving projects as presented, would there be enough staff to manage all the projects? Kurt said he doesn't see why not. This is probably 3 to 4 days of work. Nate said there is not much prep work that needs to be done before paving.

Brad said it looks like there is a 9% decrease in highway expenditures but we should keep in mind that we are talking about borrowing \$250K so the decrease is a bit of an illusion.

Jennifer said she is concerned about a culvert on Page Road that may fail and is not in the budget. She understands that it may be very likely to fail before the end of FY22-23. The cost of buying a replacement culvert would likely be higher if we buy it in 2023. If it fails in 2022 and we haven't purchased a replacement we would likely have to buy steel plate to allow road access, which would likely cost more than the culvert.

Nate said he previously gave the board an estimate of the cost to replace the failing culvert on Page Road. The lead time to get it is potentially 4-5 weeks. If we are not planning to buy a replacement culvert until after July 1, 2022, what would the board want to do if the culvert fails before that? Put in steel plate which would be more expensive than buying a culvert?

Brad asked where steel plates are for North Underhill Station Road. Nate said they will be in use. They are not installed yet.

Brad said the vendor said there would be 3-4 weeks lead time for the culvert. If it fails, then we will be waiting 3-4 weeks for the replacement. The board could approve buying a replacement now and having it seeing here for when the failure happens. Bob said he is not clear on where we are going to make up for being over budget on that line item. Are we going to pull from reserves? Brad said if that culvert fails we have to replace it anyway. He recommends purchasing the replacement now.

Bob moved to authorize purchase of a replacement for the failing culvert on Page Road, Patty seconded and the motion was passed.

Nate said Bob had asked for an estimate on a chain hoist to raise the garage doors when there is no power. He got an estimate of \$7K to do 8 doors. Bob asked if we ever got an estimate for a transfer switch that would allow us to keep the furnace and some lights and the garage door openers on with a portable generator. Would it be wiser to invest in a transfer switch and generator instead of spending \$7K for a chain hoist? Nate said he got an estimate from a few years ago that is a lot higher than the \$7K chain hoist estimate. Bob asked how the doors would be lifted now if the power went out. Nate said it would be done manually. If they are adjusted properly it can be done but it is difficult if they are not adjusted properly. Bob said he thinks there is some benefit to having a transfer switch. He suggested maybe we could give thought to putting money into a fund to pay for it.

Jennifer reviewed changes to the budget since the last version. Brad reminded her of a grant-in-aid we were awarded for \$17,500. She added that in. That is the only grant we have secured for FY23.

We may be able to reduce the budget number for legal fees for planning and zoning. It used to be negligible but it was increased when there was ongoing litigation. That litigation has ended.

The budget includes \$20K for the wildlife and forest mapping project the Conservation Commission previously discussed. A small work group discussed whether this should be a town operating expense rather than a Conservation Commission expense. It would be a bigger than usual project for the Conservation Commission. Instead of budgeting \$20K in one year, could we budget \$10K for FY23 and \$10K for FY24?

The board agreed that the whole \$20K should be put under mapping for the town rather than under the Conservation Commission's allocation.

Jennifer said Nate told her that although the price of sand is going up he had more sand left in inventory than he anticipated so she was able to reduce the FY23 budget for sand by \$10K.

Jennifer recommended a special meeting to review the next budget draft before the first regular meeting in January. Dan suggested scheduling it outside of this meeting.

7. ***Revised Selectboard Rules of Procedure – Review/Approve (7:59)***

Brad said we made some modifications to the rules of procedure and sent them to the town's attorney to review. The board packet included a revised version incorporating the attorney's recommendations. **Dan moved and Bob seconded to adopt the Underhill Selectboard 2021-2022 Rules of Procedure as amended by the town attorney.** Bob suggested adding the effective date as a footer on each page.

Peter Duval said the proposed new rules delete the opportunity for the public to comment on specific agenda items before action is taken. That is the best time for public input. He is sad to see it has been deleted. He would encourage the board to restore public comment on each agenda item. That is when we will get the most precise comments and the public can have the greatest effect on the business of the town. Section C(6) in the current rules of procedure protects the minority voice and ensures selectboard members have the ability to fully discuss agenda items. Deleting that is a majority strengthening procedure that is unnecessary and undermines democracy. He would encourage the board to restore C(6) and F(2) from the existing rules of procedure.

The motion was passed.

8. ***Warrants and Minutes (8:05)***

Dan moved to approve payroll warrants for December 23, 2021, Bob seconded and the motion was passed.

Dan moved to approve AP warrants for December 21, 2021, Patty seconded and the motion was passed.

Dan moved and Bob seconded to approve the minutes of December 9, 2021. Patty said she would be happy to be referred to as Patty rather than Patricia in the minutes. **The motion was passed.**

9. ***Member Items, Correspondence, Announcements, Schedule (8:08)***

The next regularly scheduled meeting will be January 13, 2022.

Brad said he got correspondence informing us that two seats are available for municipalities on the regional water council addressing water quality issues throughout northwestern Vermont. He will send out the information to the board.

Dan asked Bob about the scheduled flood orientation that happens every year. Bob said there will be meetings on January 31, February 1 and February 3 on some virtual platform. He believes different topics will be discussed on the different dates. He will get more information and pass it along.

Bob asked about the CUD. Brad said he and Patty met with Val Davis from Lamoille FiberNet. He is proposing to give us a presentation about potentially joining them. Patty said she thinks it is in the town's interest to join a CUD.

10. Executive Session

Dan moved to enter executive session under 1 V.S.A. Section 313 (3) The appointment or employment or evaluation of a public officer or employee, with the town clerk and the town finance officer included, Bob seconded, the motion was passed and the board entered executive session at 8:15. Dan moved to exit executive session at 9:12, Bob seconded and the motion was passed.

Bob said the selectboard is going to continue to work with the road commissioner hiring committee and wait for continued feedback from them.

11. Adjourn

Dan moved to adjourn, Bob seconded, the motion was passed and the meeting was adjourned at 9:13.

Minutes submitted by Donna Griffiths

Read and approved as submitted/amended:

Dan Steinbauer, Chair

Date Signed

Date Approved